IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 9876 of 2007(A)

PETITIONER:

N.V.BHAGEERATHI,
W/O. SRI. K.P.RADHAKRISHNAN, 'AISHWARYA',
PARAKKAL, MUTTIL, WAYANAD DISTRICT.

BY ADV. SRI.A.RANJITH NARAYANAN

RESPONDENTS:

---

1. NORTH MALABAR DIST. CO-OPERATIVE SUPPLY AND MARKETING SOCIETY, REPRESENTED BY ITS 'GENERAL MANAGER', KOZHIKODE.

2. THE MANAGER,
NORTH MALABAR DIST. CO-OPERATIVE SUPPLY AND MARKETING SOCIETY, KALPETTA, WAYANAD.

3. THE ADMINISTRATOR,
NORTH MALABAR DIST. CO-OPERATIVE SUPPLY AND MARKETING SOCIETY, UNIT INSPECTOR (GENERAL), OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOZHIKODE.

BY ADV. SMT.CELINE JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 THE COPY OF THE FD RECEIPT WITH NO.7285

EXT.P2 COPY OF LETTER SENT BY PETITIONER.

EXT.P3 COPY OF REPLY LETTER BY THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS

EXT.R1(A) TRUE COPY OF THE ORDER DTD. 1-3-2007 IN W.P.C.NO. 5558/2007 OF THIS COURT.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

\- -

W.P.(C).No. 9876 OF 2007

\- -

Dated this the 7th day of September, 2007

JUDGMENT

Petitioner has approached this court praying for a direction to disburse the amount of Rs. 88,243/- with 7.5% interest per annum legally due to the petitioner forthwith and in the alternative direct the third respondent to disburse the said amount to the petitioner.

2. There is no dispute that petitioner has an alternate remedy under Section 69 of the Kerala Co-operative Societies Act. I feel that petitioner should be relegated to the pursuit of the alternate remedy under Section 69. Learned counsel for the petitioner submits that matter would be prolonged.

Having regard to the facts and circumstances, the writ petition is disposed of relegating the petitioner to pursue the alternate remedy under Section 69. There will be a further direction that if the petitioner institutes proceedings under Section 69, the authority shall dispose of the matter as

expeditiously as possible and at any rate within three months from the date on which proceeding is instituted. No doubt, it goes without saying that the authority will give full opportunity to the parties to prosecute their contentions.

(K.M.JOSEPH, JUDGE)

sv.